

# **EXHIBIT 40**

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Jacqueline Scott Corley, Judge

IN RE:   FACEBOOK, INC.                    )  
          CONSUMER PRIVACY USER        )  
          PROFILE LITIGATION.            )  
\_\_\_\_\_  
  )

NO. 18-MD-02843 VC

San Francisco, California  
Friday, September 4, 2020

TRANSCRIPT OF REMOTE VIDEO PROCEEDINGS

APPEARANCES:

For Plaintiffs:

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(APPEARANCES CONTINUED ON FOLLOWING PAGE)

Reported By: Ruth Levine Ekhaus, RDR, FCRR  
Official Reporter, CSR No. 12219

1 response to, well, you're asking us 75 --

2           **THE COURT:** I agree. So they might not be able to  
3 come up with 75. Right and if within their 75 there is  
4 something that's stupid, then don't answer it; bring it to my  
5 attention. And that's not going to look good for them. So  
6 that's all I'm -- that's all I'm saying.

7           I mean, I actually don't like doing limits at all because  
8 I think it really should just depend on this is an effective  
9 way to get this information that is needed. I'm just trying to  
10 get past this impasse that the parties seem to have and so  
11 that's all.

12           So, you know, they are not going to do it. If they ask a  
13 question that's burdensome -- but they are named plaintiffs,  
14 you know --

15           **MR. LOESER:** Right. Absolutely right. And I hope  
16 that my measure of what is stupid and yours end up being the  
17 same and not Facebook. Because, frankly, it's -- you know,  
18 it's 1,700 or something interrogatories we've used.

19           **THE COURT:** No. I wouldn't look at it that way. If  
20 you don't want to answer all of them, then have fewer named  
21 plaintiffs then. You have done your investigation. You're  
22 never going to move for class cert with 23 anyway. Right? I  
23 mean, that's going to be unreasonable for Judge Chhabria. So  
24 maybe pick your five or whatever it's going to be now, and then  
25 you don't have to answer it.